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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,397	03/30/2001	Jeffrey W. Kehoe	10003324-1	7084

7590 03/10/2005

AGILENT TECHNOLOGIES, INC.
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Intellectual Property Administration
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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,397	KEHOE ET AL.	
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration. _____
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the application filed on March 30, 2001. Claims 2, 10-17 and 20 were amended. Claims 1-20 are pending. Claims 1-20 are directed to a Software Product and Method for "A Filtering Web Proxy for recording We-based Transactions that Support Secure HTTP Steps."

Response to Arguments

2. Applicant's arguments filed on November 29, 2005 have been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections."

The Examiner maintains the arguments presented in the First Office Action as outlined below and the rejection is therefore sustained.

3. Piecemeal Analysis of references.

Applicant argues that Boyle does not teach or suggest a processor that searches a response from the Internet for a secure address. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is sustained.

4. Bodily Incorporation

Applicant further argues that Bouvier fails to teach the claimed processor. In response to applicant's argument that Bouvier fails to teach the claimed processor, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle et al. (US 6,119,167) in view of Bouvier et al. (US 5,961,594.)

Claim 1:

Claim 1 recites a software product for a computer system to record a transaction for a user operating a web browser wherein the transaction is used for automated testing of an Internet server system, the software product comprising:

proxy instructions configured to direct a processor to receive a first request from the web browser, transfer the first request to the Internet, receive a response to the first

request from the Internet, transfer the response to the web browser, receive a second request from the web browser, and transfer the second request to the Internet;

response instructions configured to direct the processor to search the response for a secure address and if the response includes the secure address then replace the secure address with a non-secure address and identifying characters;

request instructions configured to direct the processor to record the second request as a new page if the second request is for a new page and to replace the non-secure address and the identifying characters with the secure address if the second request is for the non-secure address and the identifying characters; and a storage medium configured to store the proxy instructions, the response instructions, and the request instructions.

Boyle teaches push and pull techniques such that a server is programmed to push data to a data destination and to send a command to delete the data under predetermined conditions. Boyle further teaches a browser proxy that can send multiple requests for the same or different users over a single TCP connection. (See col. 2, line 67; col. 6, lines 51-52.) The data include IP secure and non-secure addresses and other characters. (See Table A2.5). Boyle also provides computer readable media.

Boyle fails to teach about a web browser sending HTTP message to the web server including a first request and a second request in the form of a command; however, Bouvier explicitly teaches this concept. (See col. 8, lines 36-55.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of pushing and pulling data in networks as

taught by Boyle with the system for remotely accessing communication network nodes and monitoring each type of resource within that node disclosed by Bouvier.

Such a system would provide for the efficient management of a network.

Claim 2:

Claim 2 recites the software product of claim 1 wherein:

the response instructions are further configured to direct the processor to search the first response for embedded objects and if the first response includes any of the embedded objects then to add corresponding embedded object addresses to a list; and

the request instructions are further configured to direct the processor to record the second request as a new page if the second request is not for any of the embedded object addresses on the list.

Boyle teaches about a unique identifier such as a hyperlink. (See col. 7, lines 45-48). A hyperlink could be an embedded object in a file or document. Bouvier, on the other hand discloses that when the response is received, the command builder analyzes it, prepares an HTML page with the response formatted in a convenient way for a human user to interpret it easily. The above limitations recited by claim 2 are within the ambit of the teachings of Boyle and Bouvier.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of hyperlink as an embedded object as taught by Boyle with the page preparation disclosed by Bouvier.

Being able to list embedded objects on the response would provide for an efficient management of the network. Thus, claim 2 is rejected.

Claim 3:

This claim recites the software product of claim 2 wherein the request instructions are further configured to direct the processor to clear the list if the second request is not for any of the embedded object addresses on the list.

Boyle teaches a method wherein the processor (server) is programmed to clear (delete) a notification if some condition is met. (See col. 10, lines 47-50, col. 7, lines 33-36.)

This system would make it faster for the client to access data from the server.
Thus, claim 3 is rejected.

Claim 4:

Claim 4 recites the software product of claim 1 wherein the request instructions are further configured to direct the processor to record Uniform Resource Locators for the first request and the second request.

Boyle extensively teaches a method to record the URL of a request. (See col. 11, lines 39-42; col. 12, lines 51-52.) Again, this would make it faster for the client to access data. Hence, claim 4 is rejected.

Claim 5:

Claim 5 recites the software product of claim 1 wherein the request instructions are further configured to direct the processor to record a sequence of the first request and the second request.

Boyle suggests a sequence number allowing the browser to determine which version of the data is more recent. Boyle also discloses the use of the sequence number as assigned by the www service or by a link station. (See col. 7, line 66 through

col. 8, line 12, col. 13, lines 1-6, col. 11, lines 9-33.) The sequence number could be used to determine a more recent version of data so that the less recent version could be discarded. Thus, claim 5 is rejected.

Claim 6:

Claim 6 recites the software product of claim 1 wherein the request instructions are further configured to direct the processor to record an elapsed time between the first request and the second request.

Boyle suggests a messenger time-to-live concept or elapsed time at col. 10, lines 33-39 and col. 8, lines 13-16.) Bouvier teaches a first request and a second request. Thus, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of elapsed time (time-to-live) as taught by Boyle with the first and second requests disclosed by Bouvier. As such, system performance could be monitored. Therefore, claim 6 is rejected.

Claim 7:

Claim 7 recites the software product of claim 1 wherein the request instructions are further configured to direct the processor to record user input within the first request and the second request.

Boyle teaches about allowing user input whereas Bouvier teaches a first request and a second request. Thus, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of user input as taught by Boyle with the first and second requests disclosed by Bouvier. As such, system response could be monitored based on specific inputs. Therefore, claim 7 is rejected.

Claim 8:

Claim 8 recites the software product of claim 1 wherein the transaction is a purchase from the Internet server system.

Boyle discloses a stock quote transaction that is akin to a purchase. (See col. 7, lines 16-18.) In the alternative, if a stock quote is pulled, such transaction could very well be a purchase.

User transactions enable the system to measure system performance by monitoring the transaction times and data rates. Hence, claim 8 is rejected.

Claim 9:

Claim 9 recites the software product of claim 1 wherein the first request and the second request comprise Hypertext Transfer Protocol requests, the secure address and the non-secure address comprise Uniform Resource Locators, and the response comprises a Hypertext Markup Language page.

Boyle teaches about the data comprising secure and non-secure address and Uniform Resource Locators (See Table A2.5) whereas Bouvier discloses a first request, a second request, Hypertext Transfer Protocol requests and Hypertext Markup Language page (See col. 8, lines 36-55 and col. 12, lines 45-49.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of pushing and pulling data in networks as taught by Boyle with the system for remotely accessing communication network nodes and monitoring each type of resource within that node disclosed by Bouvier. Such a system would provide for the efficient management of a network, reduce the use of network resources and make it faster for the client to access data.

Claim 10:

Claim 10 recites the software product of claim 1 wherein the response instructions are further configured to direct the processor to search a header in the first response for a special instruction and if the header includes the special instructions then to record the special instruction.

Boyle suggests inserting an HTTP request header, which includes user identification at col. 6, lines 45-48. Boyle further discloses breaking a header list into decks whereas Bouvier discloses a first request, a second request.

Thus, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of header insertion and search as taught by Boyle with the first and second requests disclosed by Bouvier. This system would measure the effectiveness of data base search. Hence, claim 10 is rejected.

Claims 11-20:

These claims directed to a method of operating a computer system to record a transaction for a user operating a web browser do not do not teach or define any significantly new limitation above and beyond claims 1-10 to warrant particular treatment, and therefore are rejected for similar reasons.

5. THIS ACTION IS MADE FINAL.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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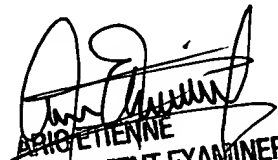
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
February 28, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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